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Defendant BP Pipelines (North America) Inc. ("BP"):

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2. STATEMENT OF THE CASE

This is an employment discrimination case. The plaintiff in this case, Billy Ray Tratree, has brought suit against the defendant in this case, BP Pipelines (North America), Inc., for race and age discrimination. BP denies Tratree's allegations.

On September 18, 2001, BP informed Tratree that his position was being eliminated as part of continuing organizational changes. Tratree had worked for the company since 1978. Tratree claims that BP eliminated his position because of race and age discrimination. BP denies that it eliminated his position because of race or age discrimination.

3. JURISDICTION

There is no unresolved jurisdictional question in this case. The parties agree that the United States District Court for the Southern District of Texas has jurisdiction over this civil action because it arises under laws of the United States, including Title VII, Section 1981, and the ADEA.

4. MOTIONS

The following motions are pending before the Court:

1. Plaintiff's Motion in Limine (Dkt No. 186) and Supplemental Motion in Limine attached as Exhibit 20.
2. Defendant's First Amended Motion in Limine (Dkt No. 234), attached as Exhibit 21.

5. CONTENTIONS OF THE PARTIES

Exhibit 1: Contentions of Plaintiff Billy Ray Tratree

Exhibit 2: Contentions of Defendant BP Pipelines (North America), Inc.

6. ADMISSIONS OF FACT

1. Billy Ray Tratree was hired by Amoco Pipelines as a Pipeliner, an entry-level position, on October 30, 1978.
2. Tratree was a member of the collective bargaining unit represented by Local 4-100 of the Oil, Chemical and Atomic Workers International Union AFL-CIO (the "Union").
3. BP and the Union are parties to a Collective Bargaining Agreement ("CBA").
4. In November 1995, Tratree successfully bid into the Measurement Specialist I position.

5. As of March 2000, Tratree was eligible to be classified as a Field Specialist III.

6. The Measurement Specialist I position is in the “old classification” under the CBA.

7. The Field Specialist III position is in the “new classification” under the CBA.

8. Tratree chose to stay in his old classification position of Measurement Specialist I instead of moving into the new classification position of Field Specialist III.

9. On September 18, 2001, BP informed Tratree by written notice that “as part of the continuing organizational changes in the operation of BP Pipelines North America, the position you currently hold is being eliminated.”

10. On or about September 18, 2001, BP provided Tratree with a Bumping Options sheet and an Election of Bumping Options form to fill out.

11. Tratree received the Bumping Options sheet and the Election of Bumping Options form.

12. Tratree did not sign the Election of Bumping Options form.

13. BP terminated Tratree’s employment on September 27, 2001.

7. CONTESTED ISSUES OF FACT

Exhibit 3: Plaintiff’s Contested Issues of Fact

Exhibit 4: Defendant’s Contested Issues of Fact

8. AGREED PROPOSITIONS OF LAW

1. Tratree’s age discrimination claims are brought pursuant to the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 623.

2. Tratree's race discrimination claims are brought pursuant to Title VII, 42 U.S.C. § 2000e, and section 1981, 42 U.S.C. § 1981.

9. **CONTESTED PROPOSITIONS OF LAW**

Exhibit 5: Plaintiff's Contested Propositions of Law

Exhibit 6: Defendant's Contested Propositions of Law

10. **EXHIBITS**

The Parties attach the following:

Exhibit 7: Joint Exhibit List of Plaintiff Billy Ray Tratree and Defendant BP Pipelines (North America) Inc.

Exhibit 8: Exhibit List of Plaintiff Billy Ray Tratree.

Exhibit 9: Exhibit List of Defendant BP Pipelines (North America) Inc.

11. **WITNESSES**

The Parties attach the following witness lists, which include the qualifications of all expert witnesses:

Exhibit 10: Witness List of Plaintiff Billy Ray Tratree.

Exhibit 11: Witness List of Defendant BP Pipelines (North America) Inc.

12. **SETTLEMENT**

All settlement efforts have been exhausted, and the dispute between the parties cannot be settled; therefore, this case will have to be tried.

13. **TRIAL**

A. The Parties estimate that the trial will last 8-10 days.

B. The parties do not anticipate any major logistical problems. The parties agree that they may present prior trial testimony if the witness is unavailable, consistent with Fed. R. Civ. P. 32.

C. Tratree and BP will use elmo, Powerpoint and Trial Director during the trial. Those logistics are being worked out with court staff.

14. ATTACHMENTS

In addition to the Parties' contentions (attached as Exhibits 1-2), contested issues of fact (attached as Exhibits 3-4), contested propositions of law (attached as Exhibits 5-6), exhibit lists (attached as Exhibits 7-9), and witness lists (attached as Exhibits 10-11), the Parties attach the following:

Exhibit 12: Plaintiff's Proposed Questions for Voir Dire Examination.

Exhibit 13: Defendant's Proposed Questions for Voir Dire Examination.

Exhibit 14: Plaintiff's Proposed Jury Charge, including Instructions, Definitions, and Special Interrogatories, with Authority.

Exhibit 15: Defendant's Proposed Jury Charge, including Instructions, Definitions, and Special Interrogatories, with Authority.

Exhibit 16: Plaintiff's Deposition and Trial Testimony Designations.

Exhibit 17: Defendant's Deposition and Trial Testimony Designations.

Exhibit 18: Plaintiff's Expert Qualifications submission.

Exhibit 19: Defendant's Expert Qualifications submission.

Date: June ____, 2009

DAVID HITTNER
UNITED STATES DISTRICT JUDGE

APPROVED:

Date: 6-1-09

Carlos R. Soltero u/p/6 esf
Carlos R. Soltero
State Bar No. 00791702
McGinnis, Lochridge & Kilgore, L.L.P.
Attorney-in-Charge, Plaintiff

Date: _____

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America) Pipelines*

Date: June __, 2009

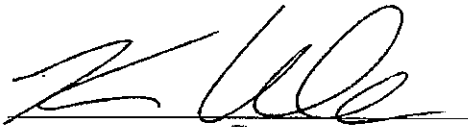
DAVID HITTNER
UNITED STATES DISTRICT JUDGE

APPROVED:

Date: _____

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Date: 6/1/2009

 *by permission*
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*Attorney-in-Charge, Defendant BP (North
America) Pipelines*

CERTIFICATE OF SERVICE

I certify that on the 1st day of June, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

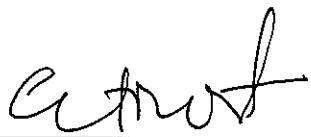
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**ATTORNEYS FOR DEFENDANT
BP NORTH AMERICA PIPELINES, INC.**

and I hereby certify that I have served the document by First Class Mail to the following non-CM/ECF participant:

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**ATTORNEYS FOR DEFENDANT
BP NORTH AMERICA PIPELINES, INC.**



Emily Frost